Calendar No. 24

98TH CONGRESS
1st Session

SENATE

REPORT
No. 98–5

LAND CONVEYANCE TO THE CITY OF AMERICAN FALLS

FEBRUARY 23, 1983.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 459]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 459) to authorize and direct the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands that were withdrawn or acquired for the purpose of relocating a portion of the city of American Falls out of the area flooded by the American Falls Reservoir, having considered the same, reports thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

S. 459 directs the Secretary of the Interior to convey without cost all right, title, and interest of the United States in and to certain lands that were withdrawn or acquired for the purpose of relocating a portion of the city of American Falls out of the area flooded by the American Falls Reservoir.

BACKGROUND AND NEED

During the 1920's the Bureau of Reclamation purchased lands to relocate a portion of the city of American Falls, Idaho. The authorizing legislation required the Bureau of Reclamation to plat and convey lots necessary for relocation of individual residents who were displaced by the reservoir. However, the act was silent on the disposal of the lands to be utilized for the public purposes such as parks, streets, water works and town squares. These lands were not deeded to the city.

The city has developed the parks and has used them over the years without knowing title to them was never transferred by the Federal Government. American Falls residents have paid taxes to maintain the parks for the past 55 years, and the parks have been treated by

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everyone as city property. However, a recent title search turned up the fact the Federal Government still owns the city golf course, the central city square, and several other smaller parcels. S. 763 would correct this problem by transferring title to these lands to the city of American Falls.

LEGISLATIVE HISTORY

S. 459 was introduced by Senator McClure on February 3, 1983, S. 459 is identical to S. 763 as reported by the Committee and as passed the Senate in the 97th Congress. The Public Lands and Reserved Water Subcommittee received testimony on S. 763 on June 24, 1981. The Administration supported the enactment of S. 763 as reported. No hearings were held on S. 459 in the 98th Congress.

At a business session on February 23, 1983, the Committee on Energy and Natural Resources ordered S. 459 favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources in an open business session on February 23, 1983, by an unanimous vote of a quorum present recommends the Senate pass S. 459 as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz*	
Mr. Johnston*	
Mr. Jackson	
Mr. Bumpers	
Mr. Ford	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas	
Mr. Bradley	

*Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of the Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 459.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. S. 459 conveys certain Federal lands to the city of American Falls.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 459.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report on S. 459 was requested by the Committee from the Department of the Interior. It was not received by the Committee at the time this report was filed. It is the intention of the Chairman to place the legislative report in the Congressional Record when received for the information of the Senate.

The legislative report relating to S. 763 as reported, an identical measure to S. 459, which passed the Senate in the 97th Congress is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 30, 1981.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department with respect to S. 763, a bill "To authorize and direct the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands that were withdrawn or acquired for the purpose of relocating a portion of the city of American Falls out of the area flooded by the American Falls Reservoir."

The Department supports enactment of this bill.

The Sundry Civil Expenses Act for 1922, dated March 4, 1921 (41 Stat. 1403), required the Department to purchase or condemn the lands necessary to relocate a portion of the city of American Falls, Idaho. The portion of the city to be relocated was in an area to be flooded by the backwaters of the American Falls Dam, Minidoka Project.

The 1921 Act required us to plat and convey lots necessary for the relocation of those American Falls residents who were displaced by the backwaters. However, the Act was silent on the disposal of the lands to be utilized for public purposes, such as parks, streets, water works, and town squares. The lands dedicated to parks, water works, and other public uses were not deeded to the city because title transfer for city-owned land was not specified. The passage of the subject bill will correct this problem.

We purchased patented private lands for the relocation at a cost of $62,000. The new area was identified as the "Reclamation Addition" to the city of American Falls. We prepared a plat setting forth the streets, alleys, blocks, lots, parks, etc. That plat was approved by the United States on October 18, 1923, and recorded as Instrument No. 32042 in Power County, Idaho, on December 3, 1923. There was a deed included on the plat in which the United States dedicated to public use all streets and alleys shown on the plat and, in effect, gave title to all streets and alleys to the city.

The relocation of the city facilities from the area to be flooded was accomplished under a contract dated September 13, 1923, between the city and the United States. All lots established by the plat were sold at appraised value. The lots sold during the original relocation sold rapidly; however, the remaining lots attracted little consumer interest and the last lots were not sold until about 1962.

The original platting and dedication did not include all of the land that had been acquired by the United States under 41 Stat. 1403. The three tracts, identified as "c," "d," and "e" in the subject bill, are located adjacent to, but just opposite of, the boundaries of the new addition.

Tract "c" is traversed by the Michaud Flats lateral E 1.5 which runs in an east-west direction adjacent and parallel to Lee Street. Tract "d" is traversed by the Michaud Main East Canal which parallels Highway I–80 North. Tract "d" is also the site of the city's water supply system which was constructed by the Bureau of Reclamation under the provisions of the relocation contract. While the water plant facilities were transferred to the city, the land on which the facilities are located was not.

Block 44 was part of the pre-project city of American Falls. We acquired this block for $1,500 on April 23, 1956, in order to locate a right-of-way for the buried 42-inch main discharge pipeline of the Michaud Flats Project. The city has been utilizing the land for park purposes. That use is compatible with the discharge line right-of-way. The A and B Irrigation District, which maintains and operates the Michaund Flats Project, recommends the land be transferred to the city.

The language of the last section of the subject bill provides authority for us to reserve for the United States all necessary rights-of-way, and oil and gas rights. Because of the small size of the tracts and because the surface of these lands is being used for parks and other municipal purposes inconsistent with mineral extraction, we do not believe reservation of mineral rights is important in this case. Moreover, to the extent these lands are within an incorporated city or town they would be subject to leasing under 30 U.S.C. 181.

The cost of the lands purchased for the relocation of the portion of American Falls was included in the project costs for the Minidoka Project, and as such were reimbursed by water users.

The cost of acquisition of Block 44 was repaid by A and B Irrigation District. The District has recommended that Block 44 be deeded to the city.

The bill includes certain technical changes in land descriptions which were recommended by the Department in its report to the

Committee on S. 1910 in the 96th Congress. WWe believe the land descriptions in S. 763 are sufficient.

The Department therefore supports passage of S. 763.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary.

CHANGES IN EXISTING LAWS

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the committee votes that no changes in existing law are made by the bill, S. 459, as ordered reported.

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